

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANT: Kevin M. Christiansen
APPLICATION NO.: 10/667,241
FILING DATE: September 18, 2003
TITLE: System for Data Transfer Through an I/O Device Using A Memory
Access Controller Which Receives and Stores Indication of a Data
Status Signal
EXAMINER: Eron J. Sorrell
GROUP ART UNIT: 2182
ATTY. DKT. NO.: 18602-08301

COMMISSIONER FOR PATENTS
P.O. BOX 1450
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RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

This communication is in response to the Notification of Non-Compliant Appeal Brief, mailed March 26, 2008. The Notification of Non-Compliant Appeal Brief relies on incorrect grounds to object to the Appeal Brief.

The Notification of Non-Compliant Appeal Brief indicates that the Appeal Brief originally filed on March 18, 2008, was defective because: (1) the “Summary of the Claimed Subject Matter” fails to “identify and map all independent claims on appeal separately,” and (2)

the Appeal Brief Claims Appendix “contains marked up claims on a clean copy of claims is acceptable.” Applicants respectfully assert that the Claims Appendix in the originally filed Appeal Brief appropriately presented the claims involved in the appeal.

To expedite consideration of this appeal by the Board, Applicants are submitting a new version of the Appeal Brief where the “Summary of the Claimed Subject Matter” now specifically maps each independent claim to a section in the disclosure where an embodiment of the claimed feature is described. Hence, the first item in the Notification of Non-Compliant Appeal Brief is obviated.

However, the second ground for objecting to the Appeal Brief is improper. Specifically, as this appeal arises from a reissue application, the MPEP provides that: “The requirements for an appeal brief are set forth in 37 CFR § 41.37 and MPEP § 1206 and they apply to a reissue application in the same manner that they apply to a non-reissue application. There is, however, a difference in practice as to the presentation of the copy of the claims in the appeal brief for a reissue application.” (emphasis added) See MPEP § 1454. In particular, the MPEP specifically and explicitly provides that “any new claims added in the reissue application should be completely underlined” (emphasis added) See MPEP § 1454. As the claims involved in the appeal were new claims added during prosecution of the reissue application, according to the application of 37 CFR § 41.37 to reissue applications provided in the MPEP, the claims should be completely underlined when presented in the appeal brief. Hence, the originally filed appeal brief correctly presented the claims involved in the appeal.

Respectfully submitted,
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Dated: April 26, 2008

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